



Registration and Regulation Committee

Filed: 3/7/2007

09500HB0121ham001

LRB095 03939 RAS 32747 a

1 AMENDMENT TO HOUSE BILL 121

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 121 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.18 and by adding Section 4.28 as follows:

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed January 1, 2008 and December 31,  
8 2008.

9 (a) The following Acts are repealed on January 1, 2008:

10 The Acupuncture Practice Act.

11 The Clinical Social Work and Social Work Practice Act.

12 The Home Medical Equipment and Services Provider  
13 License Act.

14 The Nursing and Advanced Practice Nursing Act.

15 ~~The Illinois Speech Language Pathology and Audiology~~  
16 ~~Practice Act.~~

1 The Marriage and Family Therapy Licensing Act.

2 The Nursing Home Administrators Licensing and  
3 Disciplinary Act.

4 The Pharmacy Practice Act of 1987.

5 The Physician Assistant Practice Act of 1987.

6 The Podiatric Medical Practice Act of 1987.

7 The Structural Pest Control Act.

8 (b) The following Acts are repealed on December 31, 2008:

9 The Medical Practice Act of 1987.

10 The Environmental Health Practitioner Licensing Act.

11 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;  
12 94-1085, eff. 1-19-07; revised 1-22-07.)

13 (5 ILCS 80/4.28 new)

14 Sec. 4.28. Act repealed on January 1, 2018. The following  
15 Act is repealed on January 1, 2018:

16 The Illinois Speech-Language Pathology and Audiology  
17 Practice Act.

18 Section 10. The Illinois Speech-Language Pathology and  
19 Audiology Practice Act is amended by changing Sections 3, 5, 7,  
20 8, 8.5, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,  
21 26, 28, 28.5, and 29 and by adding Sections 21.1, 21.2, and  
22 24.1 as follows:

23 (225 ILCS 110/3) (from Ch. 111, par. 7903)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 3. Definitions. The following words and phrases shall  
3 have the meaning ascribed to them in this Section unless the  
4 context clearly indicates otherwise:

5 (a) "Department" means the Department of Financial and  
6 Professional Regulation.

7 (b) "Secretary Director" means the Secretary Director of  
8 Financial and Professional Regulation.

9 (c) "Board" means the Board of Speech-Language Pathology  
10 and Audiology established under Section 5 of this Act.

11 (d) "Speech-Language Pathologist" means a person who has  
12 received a license pursuant to this Act and who engages in the  
13 practice of speech-language pathology.

14 (e) "Audiologist" means a person who has received a license  
15 pursuant to this Act and who engages in the practice of  
16 audiology.

17 (f) "Public member" means a person who is not a health  
18 professional. For purposes of board membership, any person with  
19 a significant financial interest in a health service or  
20 profession is not a public member.

21 (g) "The practice of audiology" is the application of  
22 nonmedical methods and procedures for the identification,  
23 measurement, testing, appraisal, prediction, habilitation,  
24 rehabilitation, or instruction related to hearing and  
25 disorders of hearing. These procedures are for the purpose of  
26 counseling, consulting and rendering or offering to render

1 services or for participating in the planning, directing or  
2 conducting of programs that are designed to modify  
3 communicative disorders involving speech, language or auditory  
4 function related to hearing loss. The practice of audiology may  
5 include, but shall not be limited to, the following:

6 (1) any task, procedure, act, or practice that is  
7 necessary for the evaluation of hearing or vestibular  
8 function;

9 (2) training in the use of amplification devices;

10 (3) the fitting, dispensing, or servicing of hearing  
11 instruments; and

12 (4) performing basic speech and language screening  
13 tests and procedures consistent with audiology training.

14 (h) "The practice of speech-language pathology" is the  
15 application of nonmedical methods and procedures for the  
16 identification, measurement, testing, appraisal, prediction,  
17 habilitation, rehabilitation, and modification related to  
18 communication development, and disorders or disabilities of  
19 speech, language, voice, swallowing, and other speech,  
20 language and voice related disorders. These procedures are for  
21 the purpose of counseling, consulting and rendering or offering  
22 to render services, or for participating in the planning,  
23 directing or conducting of programs that are designed to modify  
24 communicative disorders and conditions in individuals or  
25 groups of individuals involving speech, language, voice and  
26 swallowing function.

1 "The practice of speech-language pathology" shall include,  
2 but shall not be limited to, the following:

3 (1) hearing screening tests and aural rehabilitation  
4 procedures consistent with speech-language pathology  
5 training;

6 (2) tasks, procedures, acts or practices that are  
7 necessary for the evaluation of, and training in the use  
8 of, augmentative communication systems, communication  
9 variation, cognitive rehabilitation, non-spoken language  
10 production and comprehension.

11 (i) "Speech-language pathology assistant" means a person  
12 who has received a license pursuant to this Act to assist a  
13 speech-language pathologist in the manner provided in this Act.

14 (Source: P.A. 94-528, eff. 8-10-05.)

15 (225 ILCS 110/5) (from Ch. 111, par. 7905)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 5. Board of Speech-Language Pathology and Audiology.  
18 There is created a Board of Speech-Language Pathology and  
19 Audiology to be composed of persons designated from time to  
20 time by the Secretary ~~Director~~, as follows:

21 (a) Five persons, 2 of whom have been licensed  
22 speech-language pathologists for a period of 5 years or  
23 more, 2 of whom have been licensed audiologists for a  
24 period of 5 years or more, and one public member. The board  
25 shall annually elect a chairperson and a vice-chairperson.

1 (b) Terms for all members shall be for 3 years. A  
2 member shall serve until his or her successor is appointed  
3 and qualified. Partial terms over 2 years in length shall  
4 be considered as full terms. A member may be reappointed  
5 for a successive term, but no member shall serve more than  
6 2 full terms.

7 (c) The membership of the Board should reasonably  
8 reflect representation from the various geographic areas  
9 of the State.

10 (d) In making appointments to the Board, the Secretary  
11 ~~Director~~ shall give due consideration to recommendations  
12 by organizations of the speech-language pathology and  
13 audiology professions in Illinois, including the Illinois  
14 Speech-Language-Hearing Association and the Illinois  
15 Academy of Audiology, and shall promptly give due notice to  
16 such organizations of any vacancy in the membership of the  
17 Board. The Secretary ~~Director~~ may terminate the  
18 appointment of any member for any cause, which in the  
19 opinion of the Secretary ~~Director~~, reasonably justifies  
20 such termination.

21 (e) A majority of the Board members currently appointed  
22 shall constitute a quorum. A vacancy in the membership of  
23 the Board shall not impair the right of a quorum to  
24 exercise all the rights and perform all the duties of the  
25 Board.

26 (f) The members of the Board may ~~shall~~ each receive as

1 compensation a reasonable sum as determined by the  
2 Secretary ~~Director~~ for each day actually engaged in the  
3 duties of the office, and all legitimate and necessary  
4 expenses incurred in attending the meetings of the Board.

5 (g) Members of the Board shall be immune from suit in  
6 any action based upon any disciplinary proceedings or other  
7 activities performed in good faith as members of the Board.

8 (h) The Secretary ~~Director~~ may consider the  
9 recommendations of the Board in establishing guidelines  
10 for professional conduct, the conduct of formal  
11 disciplinary proceedings brought under this Act, and  
12 qualifications of applicants. Notice of proposed  
13 rulemaking shall be transmitted to the Board and the  
14 Department shall review the response of the Board and any  
15 recommendations made in the response. The Department, at  
16 any time, may seek the expert advice and knowledge of the  
17 Board on any matter relating to the administration or  
18 enforcement of this Act.

19 (i) Whenever the Secretary ~~Director~~ is satisfied that  
20 substantial justice has not been done either in an  
21 examination or in the revocation, suspension, or refusal of  
22 a license, or other disciplinary action relating to a  
23 license, the Secretary ~~Director~~ may order a reexamination  
24 or rehearing.

25 (Source: P.A. 94-528, eff. 8-10-05.)

1 (225 ILCS 110/7) (from Ch. 111, par. 7907)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 7. Licensure requirement.

4 (a) Except as provided in subsection (b), on or after June  
5 1, 1989, no person shall practice speech-language pathology or  
6 audiology without first applying for and obtaining a license  
7 for such purpose from the Department. Except as provided in  
8 this Section, on or after January 1, 2002, no person shall  
9 perform the functions and duties of a speech-language pathology  
10 assistant without first applying for and obtaining a license  
11 for that purpose from the Department.

12 (b) A person holding a regular license to practice  
13 speech-language pathology or audiology under the laws of  
14 another state, a territory of the United States, or the  
15 District of Columbia who has made application to the Department  
16 for a license to practice speech-language pathology or  
17 audiology may practice speech-language pathology or audiology  
18 without a license for 90 days from the date of application or  
19 until disposition of the license application by the Department,  
20 whichever is sooner, if the person (i) holds a Certificate of  
21 Clinical Competence from the American Speech-Language-Hearing  
22 Association in speech-language pathology or audiology or, in  
23 the case of an audiologist, a certificate from the American  
24 Board of Audiology and (ii) has not been disciplined and has no  
25 disciplinary matters pending in a state, a territory, or the  
26 District of Columbia.

1       A person applying for an initial license to practice  
2 audiology who is a recent graduate of a Department-approved  
3 audiology program may practice as an audiologist for a period  
4 of 60 days after the date of application or until disposition  
5 of the license application by the Department, whichever is  
6 sooner, provided that he or she meets the applicable  
7 requirements of Section 8 of this Act.

8       (Source: P.A. 92-510, eff. 6-1-02; 93-112, eff. 1-1-04.)

9           (225 ILCS 110/8) (from Ch. 111, par. 7908)

10          (Section scheduled to be repealed on January 1, 2008)

11          Sec. 8. Qualifications for licenses to practice  
12 speech-language pathology or audiology. The Department shall  
13 require that each applicant for a license to practice  
14 speech-language pathology or audiology shall:

15           (a) (Blank);

16           (b) be at least 21 years of age;

17           (c) not have violated any provisions of Section 16 of  
18 this Act;

19           (d) present satisfactory evidence of receiving a  
20 master's or doctoral degree in speech-language pathology  
21 ~~or audiology~~ from a program approved by the Department.  
22 Nothing in this Act shall be construed to prevent any  
23 program from establishing higher standards than specified  
24 in this Act;

25           (d-5) when applying for an initial license as an

1       audiologist prior to January 1, 2008, present satisfactory  
2       evidence of receiving a master's or doctoral degree in  
3       audiology from a program approved by the Department. If  
4       applying for an initial license on or after January 1,  
5       2008, present satisfactory evidence of a doctoral degree in  
6       audiology from a program approved by the Department.  
7       Nothing in this Act shall be construed to prevent any  
8       program from establishing higher standards than specified  
9       in this Act;

10       (e) pass a national examination recognized by the  
11       Department in the theory and practice of the profession;

12       (f) for a license as a speech-language pathologist,  
13       have completed the equivalent of 9 months of supervised  
14       experience; and

15       (g) for a license as an audiologist, have completed a  
16       minimum of 1,500 clock hours of supervised experience or  
17       present evidence of a Doctor of Audiology (AuD) degree.

18       Applicants have 3 years from the date of application to  
19       complete the application process. If the process has not been  
20       completed within 3 years, the application shall be denied, the  
21       fee shall be forfeited, and the applicant must reapply and meet  
22       the requirements in effect at the time of reapplication.

23       (Source: P.A. 94-528, eff. 8-10-05.)

24       (225 ILCS 110/8.5)

25       (Section scheduled to be repealed on January 1, 2008)

1           Sec. 8.5. Qualifications for licenses as a speech-language  
2 pathology assistant. ~~(a)~~ A person is qualified to be licensed  
3 as a speech-language pathology assistant if that person has  
4 applied in writing on forms prescribed by the Department, has  
5 paid the required fees, and meets both of the following  
6 criteria:

7           (1) Is of good moral character. In determining moral  
8 character, the Department may take into consideration any  
9 felony conviction or plea of guilty or nolo contendere of  
10 the applicant, but such a conviction or plea shall not  
11 operate automatically as a complete bar to licensure.

12           (2) Has received an associate degree from a  
13 speech-language pathology assistant program that has been  
14 approved by the Department and that meets the minimum  
15 requirements set forth in Section 8.6 ~~or has received,~~  
16 ~~prior to June 1, 2003, an associate degree from a~~  
17 ~~speech language pathology assistant program approved by~~  
18 ~~the Illinois Community College Board. (b) Until July 1,~~  
19 ~~2005, a person holding a bachelor's level degree in~~  
20 ~~communication disorders who was employed to assist a~~  
21 ~~speech language pathologist on June 1, 2002 (the effective~~  
22 ~~date of P.A. 92-510) shall be eligible to receive a license~~  
23 ~~as a speech language pathology assistant from the~~  
24 ~~Department upon completion of forms prescribed by the~~  
25 ~~Department and the payment of the required fee.~~

26           (Source: P.A. 93-1060, eff. 12-23-04; 94-869, eff. 6-16-06.)

1 (225 ILCS 110/10) (from Ch. 111, par. 7910)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 10. Roster ~~List~~ of speech-language pathologists and  
4 audiologists. The Department shall maintain a roster list of  
5 the names and addresses of the speech-language pathologists,  
6 speech-language pathology assistants, and audiologists. Such  
7 lists shall also be mailed by the Department to any person upon  
8 request and payment of the required fee.

9 (Source: P.A. 92-510, eff. 6-1-02.)

10 (225 ILCS 110/11) (from Ch. 111, par. 7911)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 11. Expiration, renewal and restoration of licenses.

13 (a) The expiration date and renewal period for each license  
14 issued under this Act shall be set by rule. A speech-language  
15 pathologist, speech-language pathology assistant, or  
16 audiologist may renew such license during the month preceding  
17 the expiration date thereof by paying the required fee.

18 (a-5) All renewal applicants shall provide proof as  
19 determined by the Department of having met the continuing  
20 education requirements set forth in the rules of the  
21 Department. At a minimum, the rules shall require a renewal  
22 applicant for licensure as a speech-language pathologist or  
23 audiologist to provide proof of completing at least 20 clock  
24 hours of continuing education during the 2-year licensing cycle

1 for which he or she is currently licensed. An audiologist who  
2 has met the continuing education requirements of the Hearing  
3 Instrument Consumer Protection Act during an equivalent  
4 licensing cycle under this Act shall be deemed to have met the  
5 continuing education requirements of this Act. At a minimum,  
6 the rules shall require a renewal applicant for licensure as a  
7 speech-language pathology assistant to provide proof of  
8 completing at least 10 clock hours of continuing education  
9 during the 2-year period for which he or she currently holds a  
10 license. ~~The Department shall provide by rule for an orderly  
11 process for the reinstatement of licenses that have not been  
12 renewed for failure to meet the continuing education  
13 requirements. The continuing education requirements may be  
14 waived in cases of extreme hardship as defined by rule of the  
15 Department.~~

16 ~~The Department shall establish by rule a means for the  
17 verification of completion of the continuing education  
18 required by this Section. This verification may be accomplished  
19 through audits of records maintained by licensees, by requiring  
20 the filing of continuing education certificates with the  
21 Department, or by other means established by the Department.~~

22 (b) Inactive status.

23 (1) Any licensee who notifies the Department in writing  
24 on forms prescribed by the Department may elect to place  
25 his or her license on an inactive status and shall, subject  
26 to rules of the Department, be excused from payment of

1 renewal fees until he or she notifies the Department in  
2 writing of his or her desire to resume active status.

3 (2) Any licensee requesting restoration from inactive  
4 status shall be required to (i) pay the current renewal  
5 fee; and (ii) demonstrate that he or she has completed  
6 ~~obtained the equivalent of 20 hours of~~ continuing education  
7 as established by rule ~~if the licensee has been inactive~~  
8 ~~for 5 years or more.~~

9 (3) Any licensee whose license is in an inactive status  
10 shall not practice in the State of Illinois without first  
11 restoring his or her license.

12 (4) Any licensee who shall engage in the practice while  
13 the license is lapsed or inactive shall be considered to be  
14 practicing without a license which shall be grounds for  
15 discipline under Section 16 of this Act.

16 (c) Any speech-language pathologist, speech-language  
17 pathology assistant, or audiologist whose license has expired  
18 may have his or her license restored at any time within 5 years  
19 after the expiration thereof, upon payment of the required fee.

20 (d) Any person whose license has been expired or inactive  
21 for 5 years or more may have his or her license restored by  
22 making application to the Department and filing proof  
23 acceptable to the Department of his or her fitness to have his  
24 or her license restored, including sworn evidence certifying to  
25 active lawful practice in another jurisdiction, and by paying  
26 the required restoration fee. A person practicing on an expired

1 license is deemed to be practicing without a license.

2 (e) If a person whose license has expired has not  
3 maintained active practice in another jurisdiction, the  
4 Department shall determine, by an evaluation process  
5 established by rule, his or her fitness to resume active status  
6 and may require the person to complete a period of evaluated  
7 clinical experience, and may require successful completion of  
8 an examination.

9 (f) Any person whose license has expired while he or she  
10 has been engaged (1) in federal or State service on active  
11 duty, or (2) in training or education under the supervision of  
12 the United States preliminary to induction into the military  
13 service, may have his or her license restored without paying  
14 any lapsed renewal or restoration fee, if within 2 years after  
15 termination of such service, training or education he or she  
16 furnishes the Department with satisfactory proof that he or she  
17 has been so engaged and that his or her service, training or  
18 education has been so terminated.

19 (Source: P.A. 92-510, eff. 6-1-02.)

20 (225 ILCS 110/13) (from Ch. 111, par. 7913)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 13. Licensing applicants from other states.

23 Upon payment of the required fee, an applicant who is a  
24 speech-language pathologist, speech-language pathology  
25 assistant, or audiologist licensed under the laws of another

1 state or territory of the United States, may ~~shall~~ without  
2 examination be granted a license as a speech-language  
3 pathologist, speech-language pathology assistant, or  
4 audiologist by the Department:

5 (a) whenever the requirements of such state or territory of  
6 the United States were at the date of licensure substantially  
7 equal to the requirements then in force in this State; or

8 (b) whenever such requirements of another state or  
9 territory of the United States together with educational and  
10 professional qualifications, as distinguished from practical  
11 experience, of the applicant since obtaining a license as  
12 speech-language pathologist, speech-language pathology  
13 assistant, or audiologist in such state or territory of the  
14 United States are substantially equal to the requirements in  
15 force in Illinois at the time of application for licensure as a  
16 speech-language pathologist, speech-language pathology  
17 assistant, or audiologist.

18 Applicants have 3 years from the date of application to  
19 complete the application process. If the process has not been  
20 completed within 3 years, the application shall be denied, the  
21 fee shall be forfeited, and the applicant must reapply and meet  
22 the requirements in effect at the time of reapplication.

23 (Source: P.A. 92-510, eff. 6-1-02.)

24 (225 ILCS 110/15) (from Ch. 111, par. 7915)

25 (Section scheduled to be repealed on January 1, 2008)

1           Sec. 15. Returned checks; Penalties. Any person who  
2 delivers a check or other payment to the Department that is  
3 returned to the Department unpaid by the financial institution  
4 upon which it is drawn shall pay to the Department, in addition  
5 to the amount already owed to the Department, a fine of \$50.  
6 The fines imposed by this Section are in addition to any other  
7 discipline provided under this Act for unlicensed practice or  
8 practice on a nonrenewed license. The Department shall notify  
9 the person that payment of fees and fines shall be paid to the  
10 Department by certified check or money order within 30 calendar  
11 days of the notification. If, after the expiration of 30 days  
12 from the date of the notification, the person has failed to  
13 submit the necessary remittance, the Department shall  
14 automatically terminate the license or certificate or deny the  
15 application, without hearing. If, after termination or denial,  
16 the person seeks a license or certificate, he or she shall  
17 apply to the Department for restoration or issuance of the  
18 license or certificate and pay all fees and fines due to the  
19 Department. The Department may establish a fee for the  
20 processing of an application for restoration of a license or  
21 certificate to pay all expenses of processing this application.  
22 The Secretary ~~Director~~ may waive the fines due under this  
23 Section in individual cases where the Secretary ~~Director~~ finds  
24 that the fines would be unreasonable or unnecessarily  
25 burdensome.

26           (Source: P.A. 92-146, eff. 1-1-02.)

1 (225 ILCS 110/16) (from Ch. 111, par. 7916)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 16. Refusal, revocation or suspension of licenses.

4 (1) The Department may refuse to issue or renew, or may  
5 revoke, suspend, place on probation, censure, reprimand or take  
6 other disciplinary or non-disciplinary action as the  
7 Department may deem proper, including fines not to exceed  
8 \$10,000 ~~\$5,000~~ for each violation, with regard to any license  
9 for any one or combination of the following causes:

10 (a) Fraud in procuring the license.

11 (b) (Blank). ~~Habitual intoxication or addiction to the~~  
12 ~~use of drugs.~~

13 (c) Willful or repeated violations of the rules of the  
14 Department of Public Health.

15 (d) Division of fees or agreeing to split or divide the  
16 fees received for speech-language pathology or audiology  
17 services with any person for referring an individual, or  
18 assisting in the care or treatment of an individual,  
19 without the knowledge of the individual or his or her legal  
20 representative.

21 (e) Employing, procuring, inducing, aiding or abetting  
22 a person not licensed as a speech-language pathologist or  
23 audiologist to engage in the unauthorized practice of  
24 speech-language pathology or audiology.

25 (e-5) Employing, procuring, inducing, aiding, or

1 abetting a person not licensed as a speech-language  
2 pathology assistant to perform the functions and duties of  
3 a speech-language pathology assistant.

4 (f) Making any misrepresentations or false promises,  
5 directly or indirectly, to influence, persuade or induce  
6 patronage.

7 (g) Professional connection or association with, or  
8 lending his or her name to another for the illegal practice  
9 of speech-language pathology or audiology by another, or  
10 professional connection or association with any person,  
11 firm or corporation holding itself out in any manner  
12 contrary to this Act.

13 (h) Obtaining or seeking to obtain checks, money, or  
14 any other things of value by false or fraudulent  
15 representations, including but not limited to, engaging in  
16 such fraudulent practice to defraud the medical assistance  
17 program of the Department of Healthcare and Family Services  
18 (formerly Department of Public Aid).

19 (i) Practicing under a name other than his or her own.

20 (j) Improper, unprofessional or dishonorable conduct  
21 of a character likely to deceive, defraud or harm the  
22 public.

23 (k) Conviction of or entry of a plea of guilty or nolo  
24 contendere to any crime that in this or another state of  
25 any crime which is a felony under the laws of the United  
26 States or any state or territory thereof, or that is a

1 misdemeanor of which an essential element is dishonesty, or  
2 that is directly related to the practice of the profession  
3 ~~this State or conviction of a felony in a federal court, if~~  
4 ~~the Department determines, after investigation, that such~~  
5 ~~person has not been sufficiently rehabilitated to warrant~~  
6 ~~the public trust.~~

7 (1) Permitting a person under his or her supervision to  
8 perform any function not authorized by this Act.

9 (m) A violation of any provision of this Act or rules  
10 promulgated thereunder.

11 (n) Discipline ~~Revocation~~ by another state, the  
12 District of Columbia, territory, or foreign nation of a  
13 license to practice speech-language pathology or audiology  
14 or a license to practice as a speech-language pathology  
15 assistant in its jurisdiction if at least one of the  
16 grounds for that discipline ~~revocation~~ is the same as or  
17 the equivalent of one of the grounds for discipline  
18 ~~revocation~~ set forth herein.

19 (o) Willfully failing to report an instance of  
20 suspected child abuse or neglect as required by the Abused  
21 and Neglected Child Reporting Act.

22 (p) Gross or repeated malpractice ~~resulting in injury~~  
23 ~~or death of an individual.~~

24 (q) Willfully making or filing false records or reports  
25 in his or her practice as a speech-language pathologist,  
26 speech-language pathology assistant, or audiologist,

1 including, but not limited to, false records to support  
2 claims against the public assistance program of the  
3 Department of Healthcare and Family Services (formerly  
4 Illinois Department of Public Aid).

5 (r) Professional incompetence as manifested by poor  
6 standards of care or mental incompetence as declared by a  
7 court of competent jurisdiction.

8 (s) Repeated irregularities in billing a third party  
9 for services rendered to an individual. For purposes of  
10 this Section, "irregularities in billing" shall include:

11 (i) reporting excessive charges for the purpose of  
12 obtaining a total payment in excess of that usually  
13 received by the speech-language pathologist,  
14 speech-language pathology assistant, or audiologist  
15 for the services rendered;

16 (ii) reporting charges for services not rendered;

17 or

18 (iii) incorrectly reporting services rendered for  
19 the purpose of obtaining payment not earned.

20 (t) (Blank).

21 (u) Violation of the Health Care Worker Self-Referral  
22 Act.

23 (v) Inability ~~Physical illness, including but not~~  
24 ~~limited to deterioration through the aging process or loss~~  
25 ~~of motor skill, mental illness, or disability that results~~  
26 ~~in the inability to practice the profession~~ with reasonable

1 judgment, skill, or safety as a result of habitual or  
2 excessive use of or addiction to alcohol, narcotics, or  
3 stimulants or any other chemical agent or drug or as a  
4 result of physical illness, including, but not limited to,  
5 deterioration through the aging process or loss of motor  
6 skill, mental illness, or disability.

7 (w) Violation of the Hearing Instrument Consumer  
8 Protection Act.

9 (x) Failure by a speech-language pathology assistant  
10 and supervising speech-language pathologist to comply with  
11 the supervision requirements set forth in Section 8.8.

12 (y) Wilfully exceeding the scope of duties customarily  
13 undertaken by speech-language pathology assistants set  
14 forth in Section 8.7 that results in, or may result in,  
15 harm to the public.

16 (2) The Department shall deny a license or renewal  
17 authorized by this Act to any person who has defaulted on an  
18 educational loan guaranteed by the Illinois State Scholarship  
19 Commission; however, the Department may issue a license or  
20 renewal if the aforementioned persons have established a  
21 satisfactory repayment record as determined by the Illinois  
22 State Scholarship Commission.

23 (3) The entry of an order by a circuit court establishing  
24 that any person holding a license under this Act is subject to  
25 involuntary admission or judicial admission as provided for in  
26 the Mental Health and Developmental Disabilities Code,

1 operates as an automatic suspension of that license. That  
2 person may have his or her license restored only upon the  
3 determination by a circuit court that the patient is no longer  
4 subject to involuntary admission or judicial admission and the  
5 issuance of an order so finding and discharging the patient,  
6 and upon the Board's recommendation to the Department that the  
7 license be restored. Where the circumstances so indicate, the  
8 Board may recommend to the Department that it require an  
9 examination prior to restoring any license automatically  
10 suspended under this subsection.

11 (4) The Department may refuse to issue or may suspend the  
12 license of any person who fails to file a return, or to pay the  
13 tax, penalty, or interest shown in a filed return, or to pay  
14 any final assessment of the tax penalty or interest, as  
15 required by any tax Act administered by the Department of  
16 Revenue, until such time as the requirements of any such tax  
17 Act are satisfied.

18 (5) In enforcing this Section, the Board upon a showing of  
19 a possible violation may compel an individual licensed to  
20 practice under this Act, or who has applied for licensure  
21 pursuant to this Act, to submit to a mental or physical  
22 examination, or both, as required by and at the expense of the  
23 Department. The examining physicians or clinical psychologists  
24 shall be those specifically designated by the Board. The  
25 individual to be examined may have, at his or her own expense,  
26 another physician or clinical psychologist of his or her choice

1 present during all aspects of this examination. Failure of any  
2 individual to submit to a mental or physical examination, when  
3 directed, shall be grounds for suspension of his or her license  
4 until the individual submits to the examination if the Board  
5 finds, after notice and hearing, that the refusal to submit to  
6 the examination was without reasonable cause.

7 If the Board finds an individual unable to practice because  
8 of the reasons set forth in this Section, the Board may require  
9 that individual to submit to care, counseling, or treatment by  
10 physicians or clinical psychologists approved or designated by  
11 the Board, as a condition, term, or restriction for continued,  
12 reinstated, or renewed licensure to practice; or, in lieu of  
13 care, counseling, or treatment, the Board may recommend to the  
14 Department to file a complaint to immediately suspend, revoke,  
15 or otherwise discipline the license of the individual. Any  
16 individual whose license was granted, continued, reinstated,  
17 renewed, disciplined or supervised subject to such terms,  
18 conditions, or restrictions, and who fails to comply with such  
19 terms, conditions, or restrictions, shall be referred to the  
20 Secretary ~~Director~~ for a determination as to whether the  
21 individual shall have his or her license suspended immediately,  
22 pending a hearing by the Board.

23 In instances in which the Secretary ~~Director~~ immediately  
24 suspends a person's license under this Section, a hearing on  
25 that person's license must be convened by the Board within 15  
26 days after the suspension and completed without appreciable

1 delay. The Board shall have the authority to review the subject  
2 individual's record of treatment and counseling regarding the  
3 impairment to the extent permitted by applicable federal  
4 statutes and regulations safeguarding the confidentiality of  
5 medical records.

6 An individual licensed under this Act and affected under  
7 this Section shall be afforded an opportunity to demonstrate to  
8 the Board that he or she can resume practice in compliance with  
9 acceptable and prevailing standards under the provisions of his  
10 or her license.

11 (Source: P.A. 91-949, eff. 2-9-01; 92-510, eff. 6-1-02; revised  
12 12-15-05.)

13 (225 ILCS 110/17) (from Ch. 111, par. 7917)

14 (Section scheduled to be repealed on January 1, 2008)

15 Sec. 17. Investigations; notice; hearings ~~of hearing~~.  
16 Licenses may be refused, revoked, or suspended in the manner  
17 provided by this Act and not otherwise. The Department may upon  
18 its own motion and shall upon the verified complaint in writing  
19 of any person setting forth facts that if proven would  
20 constitute grounds for refusal to issue, suspend, or revoke  
21 under this Act, investigate the actions of any person applying  
22 for, holding, or claiming to hold a license.

23 The Department shall, before refusing to issue or renew or  
24 suspending or revoking any license or taking other disciplinary  
25 action pursuant to Section 16 of this Act, and at least 30 days

1 prior to the date set for the hearing, notify, in writing, the  
2 applicant for or the holder of such license of any charges  
3 made, afford the accused person an opportunity to be heard in  
4 person or by counsel in reference thereto, and direct the  
5 applicant or licensee to file a written answer to the Board  
6 under oath within 20 days after the service of the notice and  
7 inform the applicant or licensee that failure to file an answer  
8 will result in default being taken against the applicant or  
9 licensee and that the license or certificate may be suspended,  
10 revoked, placed on probationary status, or other disciplinary  
11 action may be taken, including limiting the scope, nature, or  
12 extent of practice, as the Secretary may deem proper. Written  
13 notice may be served by delivery of the same personally to the  
14 accused person or by mailing the same by certified mail to his  
15 or her last known place of residence or to the place of  
16 business last specified by the accused person in his or her  
17 last notification to the Department. In case the person fails  
18 to file an answer after receiving notice, his or her license or  
19 certificate may, in the discretion of the Department, be  
20 suspended, revoked, or placed on probationary status or the  
21 Department may take whatever disciplinary action deemed  
22 proper, including limiting the scope, nature, or extent of the  
23 person's practice or the imposition of a fine, without a  
24 hearing, if the act or acts charged constitute sufficient  
25 grounds for such action under this Act.

26 At the time and place fixed in the notice, the Board shall

1 proceed to hearing of the charges and both the accused person  
2 and the complainant shall be accorded ample opportunity to  
3 present, in person or by counsel, any statements, testimony,  
4 evidence, and arguments as may be pertinent to the charges or  
5 to their defense. The Board may continue such hearing from time  
6 to time. If the Board is not sitting at the time and place  
7 fixed in the notice or at the time and place to which the  
8 hearing shall have been continued, the Department shall  
9 continue such hearing for a period not to exceed 30 days. ~~Upon~~  
10 ~~the motion of either the Department or the Board or upon the~~  
11 ~~verified complaint in writing of any person setting forth facts~~  
12 ~~that if proven would constitute grounds for refusal to issue,~~  
13 ~~suspension, or revocation of a license or for taking any other~~  
14 ~~disciplinary action with regard to a license under this Act,~~  
15 ~~the Department shall investigate the actions of any person,~~  
16 ~~hereinafter called the "licensee", who holds or represents that~~  
17 ~~he or she holds a license. All such motions or complaints shall~~  
18 ~~be brought to the Board.~~

19 ~~The Director shall, before refusing to issue,~~  
20 ~~suspending, revoking, placing on probationary status, or~~  
21 ~~taking any other disciplinary action as the Director may deem~~  
22 ~~proper with regard to any license, at least 30 days prior to~~  
23 ~~the date set for the hearing, notify the licensee in writing of~~  
24 ~~any charges made and the time and place for a hearing of the~~  
25 ~~charges before the Board. The Board shall also direct him to~~  
26 ~~file his or her written answer thereto with the Board under~~

1 ~~oath within 20 days after the service on him of such notice,~~  
2 ~~and inform him that if he or she fails to file such answer, his~~  
3 ~~or her license may be suspended, revoked, placed on~~  
4 ~~probationary status or other disciplinary action may be taken~~  
5 ~~with regard thereto, including limiting the scope, nature or~~  
6 ~~extent of his or her practice as the Director may deem proper.~~

7 ~~Such written notice and any notice in such proceeding~~  
8 ~~thereafter may be served by delivery personally to the~~  
9 ~~licensee, or by registered or certified mail to the address~~  
10 ~~specified by the licensee in his or her last notification to~~  
11 ~~the Director.~~

12 (Source: P.A. 90-69, eff. 7-8-97.)

13 (225 ILCS 110/18) (from Ch. 111, par. 7918)

14 (Section scheduled to be repealed on January 1, 2008)

15 Sec. 18. Temporary suspension of license ~~Disciplinary~~  
16 ~~actions. (a) In case the licensee, after receiving notice,~~  
17 ~~fails to file an answer, his or her license may, in the~~  
18 ~~discretion of the Director, having first received the~~  
19 ~~recommendation of the Board, be suspended, revoked, placed on~~  
20 ~~probationary status or the Director may take whatever~~  
21 ~~disciplinary action he or she may deem proper, including~~  
22 ~~limiting the scope, nature, or extent of the person's practice~~  
23 ~~or the imposition of a fine, without a hearing, if the act or~~  
24 ~~acts charged constitute sufficient grounds for such action~~  
25 ~~under this Act. (b) The Secretary ~~Director~~ may temporarily~~

1 suspend the license of a speech-language pathologist,  
2 speech-language pathology assistant, or audiologist without a  
3 hearing, simultaneous to the institution of proceedings for a  
4 hearing under this Act, if the Secretary ~~Director~~ finds that  
5 evidence in his or her possession indicates that a  
6 speech-language pathologist's, speech-language pathology  
7 assistant's, or an audiologist's continuation in practice  
8 would constitute an immediate danger to the public. In the  
9 event that the Secretary ~~Director~~ temporarily suspends the  
10 license of a speech-language pathologist, speech-language  
11 pathology assistant, or audiologist without a hearing, a  
12 hearing by the Board must be held within 15 days after such  
13 suspension has occurred and concluded without appreciable  
14 delay.

15 (Source: P.A. 92-510, eff. 6-1-02.)

16 (225 ILCS 110/19) (from Ch. 111, par. 7919)

17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 19. Subpoenas; depositions; oaths Hearings. ~~At the~~  
19 ~~time and place fixed in the notice under Section 17, the Board~~  
20 ~~shall proceed to hear the charges and both the licensee and the~~  
21 ~~complainant shall be accorded ample opportunity to present in~~  
22 ~~person, or by counsel, such statements, testimony, evidence and~~  
23 ~~arguments as may be pertinent to the charges or to any defense~~  
24 ~~thereto. The Board may continue such hearing from time to time.~~  
25 ~~If the Board is not sitting at the time and place fixed in the~~

1 ~~notice or at the time and place to which the hearing has been~~  
2 ~~continued, the Department shall continue such hearing for a~~  
3 ~~period not to exceed 30 days.~~

4 The ~~Board and~~ Department has the ~~shall have~~ power to  
5 subpoena documents, books, records, or other materials and  
6 bring before it ~~the Board~~ any person ~~in this State~~ and to take  
7 testimony either orally or by deposition, or both, with the  
8 same fees and mileage and in the same manner as ~~is~~ prescribed  
9 in civil cases in the courts of this State by law pursuant to  
10 ~~"An Act concerning fees and salaries, and to classify the~~  
11 ~~several counties of this State with reference thereto",~~  
12 ~~approved March 28, 1874, as amended.~~

13 The Secretary, the designated hearing officer, Director  
14 and every ~~any~~ member of the Board has the ~~shall have~~ power to  
15 administer oaths to witnesses at any hearing that ~~which~~ the  
16 Department ~~or Board~~ is authorized ~~by law~~ to conduct and any  
17 other oaths authorized in any Act administered by the  
18 Department.

19 (Source: P.A. 85-1391.)

20 (225 ILCS 110/20) (from Ch. 111, par. 7920)

21 (Section scheduled to be repealed on January 1, 2008)

22 Sec. 20. Attendance of Witnesses, Production of Documents.  
23 Any circuit court, upon the application of the ~~licensee or~~  
24 ~~complainant or of the~~ Department or designated hearing officer  
25 ~~or Board~~, may enter an order requiring the attendance of

1 witnesses and their testimony and the production of documents,  
2 papers, files, books, and records in connection with any  
3 hearing or investigation ~~relevant books and papers before the~~  
4 ~~Board in any hearing relative to the application for or~~  
5 ~~refusal, recall, suspension or revocation of a license.~~ The  
6 court may compel obedience to its order by proceedings for  
7 contempt.

8 (Source: P.A. 85-1391.)

9 (225 ILCS 110/21) (from Ch. 111, par. 7921)

10 (Section scheduled to be repealed on January 1, 2008)

11 Sec. 21. Findings and recommendations ~~Recommendations for~~  
12 ~~disciplinary action.~~ At the conclusion of a hearing, the Board  
13 shall present to the Secretary a written report of its findings  
14 of fact, conclusions of law, and recommendations. The report  
15 shall contain a finding of whether or not the accused person  
16 violated this Act or its rules or failed to comply with the  
17 conditions required in this Act or its rules. The Board shall  
18 specify the nature of any violations or failure to comply and  
19 shall make its recommendations to the Secretary.

20 In making recommendations for any disciplinary actions,  
21 the Board may take into consideration all facts and  
22 circumstances bearing upon the reasonableness of the conduct of  
23 the accused and the potential for future harm to the public,  
24 including, but not limited to, previous discipline of the  
25 accused by the Department, intent, degree of harm to the

1 public, likelihood of harm in the future, any restitution made  
2 by the accused, and whether the incident or incidents contained  
3 in the complaint appear to be isolated or represent a  
4 continuing pattern of conduct. In making its recommendations  
5 for discipline, the Board shall endeavor to ensure that the  
6 severity of the discipline recommended is reasonably related to  
7 the severity of the violation.

8 The report of findings of fact, conclusions of law, and  
9 recommendation of the Board shall be the basis for the  
10 Department's order refusing to issue, restore, or renew a  
11 license, or otherwise disciplining a licensee. If the Secretary  
12 disagrees with the recommendations of the Board, the Secretary  
13 may issue an order in contravention of the Board  
14 recommendations. Board findings are not admissible as evidence  
15 against the person in a criminal prosecution brought for a  
16 violation of this Act; however, the hearing and findings shall  
17 not serve as a bar to criminal prosecution brought for a  
18 violation of this Act. ~~The Board may advise the Director that~~  
19 ~~probation be granted or that other disciplinary action,~~  
20 ~~including the limitation of the scope, nature or extent of a~~  
21 ~~person's practice, be taken, as it deems proper. If~~  
22 ~~disciplinary action other than suspension or revocation is~~  
23 ~~taken, the Board may advise the Director to impose reasonable~~  
24 ~~limitations and requirements upon the licensee to insure~~  
25 ~~compliance with the terms of the probation or other~~  
26 ~~disciplinary action, including, but not limited to, regular~~

1 ~~reporting by the licensee to the Director of his or her~~  
2 ~~actions, or the licensee placing himself under the care of a~~  
3 ~~qualified physician for treatment or limiting his or her~~  
4 ~~practice in such manner as the Director may require.~~

5 ~~The Board shall present to the Director a written report of~~  
6 ~~its findings and recommendations. A copy of such report shall~~  
7 ~~be served upon the licensee, either personally or by registered~~  
8 ~~or certified mail. Within 20 days after such service, the~~  
9 ~~licensee may present to the Department his or her motion in~~  
10 ~~writing for a rehearing, specifying the particular grounds~~  
11 ~~therefor. If the licensee orders and pays for a transcript of~~  
12 ~~the record, the time elapsing thereafter and before such~~  
13 ~~transcript is ready for delivery to him shall not be counted as~~  
14 ~~part of such 20 days.~~

15 ~~At the expiration of the time allowed for filing a motion~~  
16 ~~for rehearing, the Director may take the action recommended by~~  
17 ~~the Board. Upon suspension, revocation, placement on~~  
18 ~~probationary status, or the taking of any other disciplinary~~  
19 ~~action, including the limiting of the scope, nature, or extent~~  
20 ~~of one's practice, deemed proper by the Director, with regard~~  
21 ~~to the license, the licensee shall surrender his or her license~~  
22 ~~to the Department if ordered to do so by the Department and~~  
23 ~~upon his or her failure or refusal to do so, the Department may~~  
24 ~~seize such license.~~

25 ~~In all instances under this Act in which the Board has~~  
26 ~~rendered a recommendation to the Director with respect to a~~

1 ~~particular person, the Director shall notify the Board if he or~~  
2 ~~she disagrees with or takes action contrary to the~~  
3 ~~recommendation of the Board.~~

4 ~~Each order of revocation, suspension or other disciplinary~~  
5 ~~action shall contain a brief and concise statement of the~~  
6 ~~ground or grounds upon which the Department's action is based,~~  
7 ~~as well as the specific terms and conditions of such action.~~

8 (Source: P.A. 90-69, eff. 7-8-97)

9 (225 ILCS 110/21.1 new)

10 Sec. 21.1. Board; rehearing. At the conclusion of the  
11 hearing, a copy of the Board's report shall be served upon the  
12 applicant or licensee by the Department, either personally or  
13 as provided in this Act for the service of a notice of hearing.  
14 Within 20 days after service, the applicant or licensee may  
15 present to the Department a motion, in writing, for a  
16 rehearing, which shall specify the particular grounds for  
17 rehearing. The Department may respond to the motion for  
18 rehearing within 20 days after its service on the Department.  
19 If no motion for rehearing is filed, then upon the expiration  
20 of the time specified for filing such a motion, or if a motion  
21 for rehearing is denied, then upon denial, the Secretary may  
22 enter an order in accordance with recommendations of the Board  
23 except as provided in Section 22 of this Act. If the applicant  
24 or licensee orders from the reporting service and pays for a  
25 transcript of the record within the time for filing a motion

1 for rehearing, the 20-day period within which a motion may be  
2 filed shall commence upon the delivery of the transcript to the  
3 applicant or licensee.

4 (225 ILCS 110/21.2 new)

5 Sec. 21.2. Secretary; rehearing. Whenever the Secretary  
6 believes that substantial justice has not been done in the  
7 revocation, suspension, or refusal to issue, restore, or renew  
8 a license or other discipline of an applicant or licensee, he  
9 or she may order a rehearing by the same or other examiners.

10 (225 ILCS 110/22) (from Ch. 111, par. 7922)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 22. Appointment of a hearing officer. The Secretary  
13 ~~Director~~ shall have the authority to appoint any attorney duly  
14 licensed to practice law in the State of Illinois to serve as  
15 the hearing officer for any action for refusal to issue, renew  
16 or discipline of a license. The hearing officer shall have full  
17 authority to conduct the hearing. Board members may attend  
18 hearings. The hearing officer shall report his or her findings  
19 and recommendations to the Board and the Secretary ~~Director~~.  
20 The Board shall ~~have 60 days after receipt of the report to~~  
21 review the report of the hearing officer and present its  
22 findings of fact, conclusions of law and recommendations to the  
23 Secretary and to all parties to the proceedings ~~Director~~. ~~If~~  
24 ~~the Board fails to present its report within the 60 day period,~~

1 ~~the Director may issue an order based on the report of the~~  
2 ~~hearing officer.~~ If the Secretary Director disagrees in any  
3 regard with the Board's report, he or she may issue an order in  
4 contravention of the Board's report.

5 (Source: P.A. 90-69, eff. 7-8-97.)

6 (225 ILCS 110/23) (from Ch. 111, par. 7923)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 23. Restoration. At any time after suspension,  
9 revocation, placement on probationary status, or the taking of  
10 any other disciplinary action with regard to any license, the  
11 Department may restore the license, or take any other action to  
12 reinstate the license to good standing, ~~without examination,~~  
13 upon the written recommendation of the Board, unless after an  
14 investigation and a hearing, the Board determines that  
15 restoration is not in the public interest.

16 (Source: P.A. 85-1391.)

17 (225 ILCS 110/24) (from Ch. 111, par. 7924)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 24. Review under the Administrative Review Law -  
20 ~~Application.~~

21 All final administrative decisions of the Department  
22 hereunder shall be ~~are~~ subject to judicial review pursuant to  
23 the provisions of the Administrative Review Law and all  
24 amendments and modifications thereof and rules adopted thereto

1 ~~Article III of the Code of Civil Procedure, and the rules~~  
2 ~~adopted pursuant thereto.~~ The term "administrative decision"  
3 is defined as in Section 3-101 of the Code of Civil Procedure.

4 ~~Such proceedings for judicial review shall be commenced in~~  
5 ~~the circuit court of the county in which the party applying for~~  
6 ~~review resides, but if such party is not a resident of this~~  
7 ~~State, the venue shall be in Sangamon County.~~

8 ~~The Department shall not be required to certify any record~~  
9 ~~to the court or file any answer in court or otherwise appear in~~  
10 ~~any court in a judicial review proceeding, unless there is~~  
11 ~~filed in the court with the complaint a receipt from the~~  
12 ~~Department acknowledging payment of the costs of furnishing and~~  
13 ~~certifying the record, which costs shall be computed at the~~  
14 ~~rate of 20 cents per page of such record. Exhibits shall be~~  
15 ~~certified without cost. Failure on the part of the plaintiff to~~  
16 ~~file such receipt in court shall be grounds for dismissal of~~  
17 ~~the action. During the pendency and hearing of any and all~~  
18 ~~judicial proceedings incident to such disciplinary action, any~~  
19 ~~sanctions imposed upon the licensee by the Department shall~~  
20 ~~remain in full force and effect.~~

21 (Source: P.A. 85-1391.)

22 (225 ILCS 110/24.1 new)

23 Sec. 24.1. Certifications of record; costs. The Department  
24 shall not be required to certify any record to the court, to  
25 file an answer in court, or to otherwise appear in any court in

1 a judicial review proceeding unless there is filed in the  
2 court, with the complaint, a receipt from the Department  
3 acknowledging payment of the costs of furnishing and certifying  
4 the record, which costs shall be determined by the Department.  
5 Failure on the part of the plaintiff to file the receipt in  
6 court is grounds for dismissal of the action.

7 (225 ILCS 110/25) (from Ch. 111, par. 7925)

8 (Section scheduled to be repealed on January 1, 2008)

9 Sec. 25. Order or certified copy; prima facie proof  
10 ~~Revocation Orders. An order of revocation, suspension,~~  
11 ~~placement on probationary status or other formal disciplinary~~  
12 ~~action as the Department may deem proper, or a certified copy~~  
13 thereof, over the seal of the Department and purporting to be  
14 signed by the Secretary ~~Director of the Department~~, is prima  
15 facie proof that:

16 (a) the ~~such~~ signature is the genuine signature of the  
17 Secretary ~~Director~~;

18 (b) the Secretary ~~Director~~ is duly appointed and qualified;  
19 and

20 (c) the Board and its ~~the~~ members ~~thereof~~ are qualified to  
21 act.

22 (Source: P.A. 85-1391.)

23 (225 ILCS 110/28) (from Ch. 111, par. 7928)

24 (Section scheduled to be repealed on January 1, 2008)

1           Sec. 28. Injunction. The practice of speech-language  
2 pathology or audiology by any person not holding a valid and  
3 current license under this Act or a person performing the  
4 functions and duties of a speech-language pathology assistant  
5 without a valid and current license under this Act, is declared  
6 to be inimical to the public welfare, to constitute a public  
7 nuisance, and to cause irreparable harm to the public welfare.  
8 The Secretary ~~Director~~, the Attorney General, the State's  
9 attorney of any county in the State or any person may maintain  
10 an action in the name of the People of the State of Illinois,  
11 and may apply for an injunction in any circuit court to enjoin  
12 any such person from engaging in such practice. Upon the filing  
13 of a verified petition in such court, the court or any judge  
14 thereof, if satisfied by affidavit, or otherwise, that such  
15 person has been engaged in such practice without a valid and  
16 current license, may issue a temporary injunction without  
17 notice or bond, enjoining the defendant from any such further  
18 practice. Only the showing of nonlicensure, by affidavit or  
19 otherwise, is necessary in order for a temporary injunction to  
20 issue. A copy of the verified complaint shall be served upon  
21 the defendant and the proceedings shall thereafter be conducted  
22 as in other civil cases except as modified by this Section. If  
23 it is established that the defendant has been, or is engaged in  
24 any such unlawful practice, the court, or any judge thereof,  
25 may enter an order or judgment perpetually enjoining the  
26 defendant from further such practice. In all proceedings

1 hereunder, the court, in its discretion, may apportion the  
2 costs among the parties interested in the suit, including cost  
3 of filing the complaint, service of process, witness fees and  
4 expenses, court reporter charges and reasonable attorneys'  
5 fees. In case of violation of any injunction issued under the  
6 provisions of this Section, the court or any judge thereof may  
7 summarily try and punish the offender for contempt of court.  
8 Such injunction proceedings shall be in addition to, and not in  
9 lieu of, all penalties and other remedies provided in this Act.  
10 (Source: P.A. 92-510, eff. 6-1-02.)

11 (225 ILCS 110/28.5)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 28.5. Cease and desist order. If any person violates  
14 the provisions of this Act, the Secretary ~~Director~~, in the name  
15 of the People of the State of Illinois, through the Attorney  
16 General or the State's Attorney of the county in which the  
17 violation is alleged to have occurred, may petition for an  
18 order enjoining the violation or for an order enforcing  
19 compliance with this Act. Upon the filing of a verified  
20 petition, the court with appropriate jurisdiction may issue a  
21 temporary restraining order, without notice or bond, and may  
22 preliminarily and permanently enjoin the violation. If it is  
23 established that the person has violated or is violating the  
24 injunction, the court may punish the offender for contempt of  
25 court. Proceedings under this Section are in addition to, and

1 not in lieu of, all other remedies and penalties provided by  
2 this Act.

3 Whenever, in the opinion of the Department, a person  
4 violates any provision of this Act, the Department may issue a  
5 rule to show cause why an order to cease and desist should not  
6 be entered against that person. The rule shall clearly set  
7 forth the grounds relied upon by the Department and shall allow  
8 at least 7 days from the date of the rule to file an answer  
9 satisfactory to the Department. Failure to answer to the  
10 satisfaction of the Department shall cause an order to cease  
11 and desist to be issued.

12 (Source: P.A. 90-69, eff. 7-8-97.)

13 (225 ILCS 110/29) (from Ch. 111, par. 7929)

14 (Section scheduled to be repealed on January 1, 2008)

15 Sec. 29. Penalty of unlawful practice - second and  
16 subsequent offenses. Any person who practices or offers to  
17 practice speech-language pathology or audiology or performs  
18 the functions and duties of a speech-language pathology  
19 assistant in this State without being licensed for that  
20 purpose, or whose license has been suspended or revoked, or who  
21 violates any of the provisions of this Act, for which no  
22 specific penalty has been provided herein, is guilty of a Class  
23 A misdemeanor.

24 Any person who has been previously convicted under any of  
25 the provisions of this Act and who subsequently violates any of

1 the provisions of this Act is guilty of a Class 4 felony. In  
2 addition, whenever any person is punished as a subsequent  
3 offender under this Section, the Secretary ~~Director~~ shall  
4 proceed to obtain a permanent injunction against such person  
5 under Section 29 of this Act.

6 (Source: P.A. 92-510, eff. 6-1-02.)

7 (225 ILCS 110/26 rep.)

8 Section 15. The Illinois Speech-Language Pathology and  
9 Audiology Practice Act is amended by repealing Section 26.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."